

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## ROBERT ROSENBERG,

2:12-CV-1759 JCM (NJK)

**Plaintiff(s),**

V.

MERCK & COMPANY, INC., et al.,

Defendant(s).

## ORDER

Presently before the court is Magistrate Judge Koppe's report and recommendation that plaintiff Robert Rosenberg's complaint be dismissed unless he files a certificate of interested parties by April 11, 2013. (Doc. # 13). To date, plaintiff has neither filed objections to the report and recommendation nor a certificate of interested parties.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” *Id.*

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate

1 judge's report and recommendation where no objections have been filed. *See United States v. Reyna-*  
2 *Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district  
3 court when reviewing a report and recommendation to which no objects were made); *see also*  
4 *Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's  
5 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
6 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's  
7 recommendation, then this court may accept the recommendation without review. *See, e.g.*,  
8 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation  
9 to which no object was filed).

10 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
11 whether to adopt the recommendation of the magistrate judge. Upon review of the docket, the court  
12 takes notice of plaintiff's repeated failure to follow court orders. (*See* docs. # 6,12). Based on this  
13 repeated willful refusal to comply with multiple court orders, this court finds good cause to adopt  
14 the magistrate judge's findings in full.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
17 recommendation of Magistrate Judge Koppe dismissing plaintiff's complaint (doc. # 13) be, and the  
18 same hereby is, ADOPTED in its entirety.

19 IT IS FURTHER ORDERED that plaintiff Robert Rosenberg's complaint (doc. # 1) be, and  
20 the same hereby is, DISMISSED.

21 DATED April 25, 2013.

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24 UNITED STATES DISTRICT JUDGE  
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